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# Amendment of Parts 2 and 90 of the Commission's Rules Relating to the Location and Monitoring Service in the 902-928 MHz Band

PR Docket No. 93-61

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was repeated between pages 37 and 38. Attached are pages 36 to 38, with correct transitions.

Pinpoint is serving parties of record with these errata, along with corrected copies of the pages affected thereby, which should be associated with the pleading.

Respectfully submitted,

PINPOINT COMMUNICATIONS, INC.

A handwritten signature in black ink, appearing to read "S. L. M. P.", is written above a series of horizontal lines that span the width of the page.

**ATTACHMENT**

**Corrected Pages to the  
June 29, 1993 Comments  
of Pinpoint Communications, Inc.**

**PR Docket 93-61**

systems, Pinpoint submits that the Commission should structure a negotiation among interested *and qualified* applicants.

PacTel, in a recent pleading, has suggested that spectrum sharing among licensees has no precedent except where some form of carrier-sense protocol was used or where a single system was shared by multiple licensees.<sup>29</sup> In fact TDMA by licensees operating their own systems has occurred along the lines proposed by Pinpoint. Specifically, private land mobile radio paging systems have shared on the basis of simple time division as well as through more sophisticated mechanisms involving a mutual agreed upon terminal that would provide access to a carrier's system on a "first in, first out basis."

Of course, the present moment presents a unique opportunity. Delaying mandated sharing could very well lead to intractable problems frustrating any future efforts at sharing. Moreover, the pro-competitive effect of sharing is most likely to lead to low-cost, robust service. In short, sharing among wide-area systems would be in the public interest and should be implemented.

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<sup>29</sup> Reply Affidavit of Dr. Charles L. Jackson, June 16, 1993, ¶ 2, attached as Exhibit 6 to PacTel's Reply to Oppositions to Application for Freeze, PR Docket No. 93-61 (filed June 16, 1993).

may conclude that some accommodation should be made for low-power wide-area licensees.

Recognizing that such systems appear to require 4 MHz or less spectrum to operate,<sup>47</sup> Pinpoint proposes the following modifications to the band plan outlined above should persuasive evidence from PacTel and others be forthcoming:

- In the 907-909 and 921-923 MHz sub-bands, power from local-area base

- A firm financial commitment of sufficient resources to build and operate for one year, without revenues, a minimum acceptable system covering at least 25 square miles of the market with position-fixing capability.
- Use of a demonstrably proven technology -- through commercial or experimental operation -- that meets minimum throughput and robustness criteria.<sup>51</sup>
- Legal qualification to be a licensee.<sup>52</sup>
- The FCC would review applications to determine that showings had been made and then issue a public notice naming as tentative licensees all of those who had applications acceptable for filing. Within a given market, the tentative selectees would then be known as the "sharing group."
- The sharing group would then be given six months within which to agree upon a sharing plan and submit it to the FCC for approval. At the outset of any such negotiation, each member of the sharing group would be given the right of equal access to the shared spectrum.
- Any sharing plan involving time division multiple access must contain a mechanism by which any spectrum not used within a given time frame (*i.e.* within the actual sharing cycle, such as one second, 5 seconds or 10 seconds) is made available to other sharers in the sharing group on equitable terms agreed to within the sharing group;<sup>53</sup> and
- To be approved, any plan must stipulate that each tentative licensee shall bear its own costs. The costs of any common equipment needed to operate the sharing arrangement shall be borne equally among the sharers. Until a system has been constructed and is operational, the licensee of that system may not

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<sup>51</sup> Suggested threshold criteria are set forth in Exhibit D.

<sup>52</sup> No applicant may have an ownership interest in any other applicant above some *de minimis* publicly-traded amount of stock.

<sup>53</sup> Part of the sharing arrangement may consist of frequency division multiple access. For

receive compensation from any operational system for access to the non-operating system's portion of the air time that would otherwise be available, but each member of the sharing group must contribute its *pro rata* share of the common equipment within 90 days of the notification by the second member of the sharing group to announce that it will commence operations (such announcement shall be given 120 days before the operations commence)<sup>54</sup>;

- If all of the members of the sharing group agree to a plan, it would be submitted to the Commission for approval; sharing plans would be deemed approved by the Commission unless the sharing group were notified by the Commission within 60 days after submittal of the plan that such automatic approval was being withheld and that the plan would only be approved by the Commission after submission of answers to questions posed by the Private Radio Bureau.
- If unanimous agreement could not be obtained by all members of the sharing group before the end of six months, the FCC will grant the applications and require that the members of the sharing group each receive allotments of one-half second of air time on a regular, periodic basis, the interval between air-time slots for a given licensee to be determined by the numbers of sharing group members.<sup>55</sup> The time synchronization source will be GPS, unless the parties agree to another source.
- The Commission will issue licenses upon its approval of the sharing plan and any such license shall be conditioned upon compliance with the sharing plan.
- Within a given market, any system must be operational within 18 months after the approval of the sharing plan.<sup>56</sup>

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<sup>54</sup> In other words, common equipment need not be in operation when the first member of the group goes on the air, but once a second member is prepared to go on the air, any common equipment needed under the sharing plan must be purchased and in operation.

<sup>55</sup> To use the example in note 53, *supra*, each licensee would receive one-half second every two seconds.

<sup>56</sup> See Amendment of Part 90 of the Commission's Rules to Facilitate Future Development of SMP.

- No authorization may be assigned or control of any company holding an authorization transferred if a minimum acceptable system under that operation is unbuilt.
- No rights acquired as a tentative licensee may be assigned or transferred, directly or indirectly (e.g. through a transfer of control of the entity holding the status of tentative licensee or the parent thereof).
- Failure to make the payments required under the sharing plan or to operate in compliance with the sharing plan shall be grounds for the revocation of the license.

Under this arrangement, the tentative licensees would have the incentive to negotiate in order to maximize the amount of air time available to them, *e.g.* by combining frequency division with time division multiple access if two systems could operate during the same time slice. The default sharing plan would give all licensees an incentive to agree upon a better plan by reducing their air-time, and hence their throughput. Thus, it would deter a tentative licensee from acting as "spoiler."

A speculator would be deterred because of the need to have a demonstrably proven technology, the need to construct a minimum acceptable system before assignment and transfer, and the need to pay for the costs of sharing even if its system were not constructed.

The plan provides for an eighteen-month construction period. In some instances, this may be an insufficient amount of time. For example, one licensee may have authorizations in twenty, thirty, or even fifty markets. Accordingly, Pinpoint submits that the rules should provide for extended implementation -- up to three years



CERTIFICATE OF SERVICE

I hereby certify that on this 9th day of July, 1993, I  
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